

REMARKS

A Substitute Specification has been submitted as required in the Office Action. A marked up copy of the Substitute Specification is also enclosed.

The Substitute Specification does not contain new matter.

The Substitute Specification contains the headings required in the Office Action.

The claims have been amended to conform with current US practice.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 102(b) as being anticipated by Rieth, are respectfully requested.

Applicant respectfully submits that, contrary to the position taken by the Examiner in the Office Action, the claims are not anticipated by the reference to Rieth. In column 9, lines 37 to 39 of the reference to Rieth it is merely mentioned that the reversible cutting dies can be arranged in the milling head in the longitudinal direction so as to contact each other or to

be arranged at a distance from each other. Described is only the arrangement of the cutting dies at a distance from each other within a single seat 13. The reference does not mention the mounting of the cutting dies in an offset arrangement in relation to the direction of rotation, as is the case in the present application.

Those skilled in the art can also find no suggestion in the reference to Rieth for arranging the cutting dies in the manner disclosed in the present application. Such a conclusion could only be interpreted into the reference if the present application is available. However, such a hindsight consideration is not permissible.

Moreover, the milling head disclosed by Rieth is not intended for being provided with cutting heads in the offset arrangement provided by the present invention.

As can be seen in Fig. 2 of the reference to Rieth, the milling head according to this reference has within a seat 13 available three possibilities for mounting cutting dies. In such a configuration of the milling head, there is no possibility for mounting the cutting dies in the manner provided according to the present invention which is to arrange the cutting dies on the

milling head in such a way that the masses are distributed symmetrically with respect to rotation. Especially in the case of the high rates of rotation which are used during operation of milling heads, excessive imbalances are created which makes it impossible to precisely guide the milling heads.

These imbalances do not occur in accordance with the milling head of the present invention because always an even number of seats is present on the milling head. The cutting plates can be arranged with diametrically oppositely located cutting dies and they can be arranged in the manner provided for in accordance with the present invention.

Applicant has noted that the Examiner has indicated that claims 5, 6, and 10 to 12 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph.

However, Applicant respectfully submits that, for the reasons set forth above, all the claims of the present application are patentable over the art of record.


Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on October 23, 2009.

By: 

Friedrich Kueffner

Date: October 23, 2009